

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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 IN THE MATTER OF: :
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 DC Irish, LLC :
 t/a Sign of the Whale :
 :
 1825 M Street NW :
 License No. 85120 :
 ANC 2B :
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AUGUST 12, 2015

The Alcoholic Beverage Control Board met
 in the Alcoholic Beverage Control Hearing Room,
 Reeves Building, 2000 14th Street N.W., Washington,
 D.C., Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
 DONALD BROOKS, Member
 NICK ALBERTI, Member
 HECTOR RODRIGUEZ, Member
 MIKE SILVERSTEIN, Member
 JAMES SHORT, Member

 HERMAN JONES, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 10:18 a.m.

3 CHAIRPERSON MILLER: Okay, next case is
4 Case No. 15-CMP-00062, Sign of the Whale, located at
5 1825 M Street, Northwest, License No. 85120 in ANC 2B.

6 MR. RIVERO: Good morning, Board Members.
7 Fernando Rivero for the District of Columbia.
8 Licensee and Counsel were here earlier.

9 CHAIRPERSON MILLER: Okay.

10 MR. RIVERO: Indulgence.

11 MR. FONSECA: My apologies. I thought I
12 was much further on the calendar.

13 CHAIRPERSON MILLER: Okay.

14 MR. FONSECA: Michael Fonseca on behalf of
15 the licensee.

16 CHAIRPERSON MILLER: Okay.

17 MR. FONSECA: The licensee's principle is
18 in New York and he's authorized my representation at
19 our firm. I've given that to the Board's General
20 Counsel.

21 CHAIRPERSON MILLER: Okay.

22 MR. FONSECA: And a copy to the Assistant

1 Attorney General.

2 CHAIRPERSON MILLER: Did your client get
3 notice of the hearing?

4 MR. FONSECA: Yes.

5 CHAIRPERSON MILLER: Read it and
6 understood it?

7 MR. FONSECA: Read it, understood it and
8 will waive reading.

9 CHAIRPERSON MILLER: Okay, are there any
10 preliminary matters?

11 MR. RIVERO: Yes, the parties have an
12 offer in compromise to present to the Board at this
13 time.

14 CHAIRPERSON MILLER: Okay.

15 MR. RIVERO: The offer consists of a fine
16 of \$650 payable immediately.

17 MR. FONSECA: We're in agreement with
18 that. I have the check and I'm prepared to pay it.

19 CHAIRPERSON MILLER: Okay, good. All
20 right.

21 MR. FONSECA: We'll tender it to the
22 Assistant Attorney General.

1 MR. RIVERO: Not part of my job. You can
2 walk down the hall.

3 MR. FONSECA: I will, in deed.

4 CHAIRPERSON MILLER: So, Mr. Fonseca, I
5 gather that your client agrees to this offer in
6 compromise of \$650 to be paid immediately.

7 MR. FONSECA: Yes.

8 CHAIRPERSON MILLER: Yes, okay, and
9 realizes that by entering into this offer in
10 compromise, waives right to hearing and appeal?

11 MR. FONSECA: He so understands and he
12 waives the hearing.

13 CHAIRPERSON MILLER: Okay, any questions
14 by Board Members?

15 Okay, I move that we approve this offer in
16 compromise of a fine of \$650, payable immediately. Do
17 I have a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr. Silverstein
20 seconded the motion. All those in favor say aye.

21 (Chorus of ayes.)

22 CHAIRPERSON MILLER: All those opposed?

1 (No audible response.)

2 CHAIRPERSON MILLER: All those abstaining?

3 (No audible response.)

4 CHAIRPERSON MILLER: The motion passes 6-
5 0-0.

6 MEMBER SILVERSTEIN: Madam Chair?

7 CHAIRPERSON MILLER: Yes.

8 MEMBER SILVERSTEIN: I'd like to make some
9 comments to Counsel for the licensee.

10 This is an area where there is a very
11 serious health hazard involving a number of licensees,
12 all using the same area that is creating an extreme
13 health issue, and no single licensee is solely to
14 blame.

15 In past times, we have worked together as
16 a community, and this is my neighborhood, to alleviate
17 the problem, a similar problem that we had on 18th
18 Street, and I think Counsel knows what I -- to which
19 I am referring.

20 MR. FONSECA: Absolutely.

21 MEMBER SILVERSTEIN: And we're going to
22 need that type of cooperation in this case, because

1 where this trash is being stored is in a place that is
2 not owned by a licensed establishment, and I would
3 urge the Counsel to ask the licensee to cooperate with
4 others in the neighborhood, to alleviate this
5 particular problem.

6 It is serious. It's not a nuisance at
7 this point. It's gone beyond that, and if we all work
8 together, we can make it happen.

9 MR. FONSECA: I appreciate it, and I'll so
10 inform my client.

11 MEMBER SILVERSTEIN: And I would mention
12 that in the past -- in past years, we did handle such
13 a problem on the Club Central area, and it's doable.

14 MR. FONSECA: I understand, and I am, as
15 you know, well-familiar with this area, which borders
16 both M Street and 18th, and it is cheek to jowl with
17 commercial businesses.

18 MEMBER SILVERSTEIN: Yes.

19 MR. FONSECA: All of them with a lot of --

20 MEMBER SILVERSTEIN: It's tough.

21 MR. FONSECA: Yes.

22 MEMBER SILVERSTEIN: Thank you, sir.

1 MR. FONSECA: Thank you.

2 CHAIRPERSON MILLER: Okay, thank you very
3 much.

4 (Whereupon, the above-entitled matter went
5 off the record at 10:22 a.m.)
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<p>A</p> <p>a.m 2:2 7:5 above-entitled 7:4 Absolutely 5:20 abstaining 5:2 agreement 3:17 agrees 4:5 ALBERTI 1:18 Alcoholic 1:3,13,14 alleviate 5:16 6:4 ANC 1:10 2:5 apologies 2:11 appeal 4:10 appreciate 6:9 approve 4:15 area 5:10,12 6:13 6:15 Assistant 2:22 3:22 Attorney 3:1,22 audible 5:1,3 AUGUST 1:12 authorized 2:18 aye 4:20 ayes 4:21</p>	<p>check 3:18 cheek 6:16 Chorus 4:21 client 3:2 4:5 6:10 Club 6:13 Columbia 1:1 2:7 comments 5:9 commercial 6:17 community 5:16 compromise 3:12 4:6,10,16 consists 3:15 Control 1:3,13,14 cooperate 6:3 cooperation 5:22 copy 2:22 Counsel 2:8,20 5:9 5:18 6:3 creating 5:12</p>	<p>given 2:19 going 5:21 good 2:6 3:19</p> <p>H</p> <p>hall 4:2 handle 6:12 happen 6:8 hazard 5:11 health 5:11,13 hearing 1:14 3:3 4:10,12 HECTOR 1:19 HERMAN 1:21</p>	<p>matters 3:10 MEETING 1:5 Member 1:18,18,19 1:19,20,21 4:18 5:6,8,21 6:11,18 6:20,22 Members 2:6 4:14 mention 6:11 met 1:13 Michael 2:14 MIKE 1:19 Miller 1:15,17 2:3,9 2:13,16,21 3:2,5,9 3:14,19 4:4,8,13 4:19,22 5:2,4,7 7:2 morning 2:6 motion 4:20 5:4 move 4:15</p>
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